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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,583	11/09/2001	Steven Paul Wiese	60,365-005	4841

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EXAMINER	
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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,583	WIESE, STEVEN PAUL	
	Examiner	Art Unit	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,13-23,25,26,28-31 and 34* is/are rejected.

7)☒ Claim(s) *11,12,24,27,32 and 33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 November 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03-05-02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawing is objected since it contains unlabeled boxes. All unlabeled boxes in Figures 1, 2, and 4 should be labeled.

Specification

2. The last line of the abstract starting "N:\Client...." should be deleted.

3. The Patent Number of the parent application should be added in page 1 of the specification.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 24 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 12 of prior U.S. Patent No. 6,323,885. This is a double patenting rejection.

Claim 27 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 16 of prior U.S. Patent No. 6,323,885. This is a double patenting rejection.

Claim 32 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 18 of prior U.S. Patent No. 6,323,885. This is a double patenting rejection.

Claim 33 is rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 22 of prior U.S. Patent No. 6,323,885. This is a double patenting rejection.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 1, 2, 3, 4, 5, 13, 14, 15, 17, and 18 of the instant application are anticipated by claims 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11 of US Patent No. 6,323,885, respectively.

Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 19, 20, 21, and 22 of the instant application are anticipated by claims 12, 13, 14, and 15 of US Patent No. 6,323,885, respectively.

Claim 25 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 25 and 26 of the instant application are anticipated by claims 16 and 17 of US Patent No. 6,323,885, respectively.

Claim 28 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, claims 28, 29, 30, 31, 33, and 34 of the instant application are anticipated by claims 18, 19, 20, 21, 22, and 23 of US Patent No. 6,323,885, respectively.

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art, having the teaching of USP 6,323,885 before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7, 13-17, 19-23, 25-26, 28-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ("Brown", USP 5794216) and Manson et al ("Manson", USP 5731997).

Regarding claims 1, 2, 19, 25, 28, 29, 30, Brown teaches a method of displaying on a computer information regarding values associated with a plurality of geographic locations including the steps of receiving a request for information regarding a first geographic area including the plurality of geographic locations (col 7, lines 48-65), receiving a plurality of values each associated with one of the plurality of geographic locations (Fig. 13) and displaying a map of the first geographic area in response to said request for information (region 204). Brown does not teach the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information. However, such feature is known in the art as taught by Manson. Specifically, Mason teaches a method for displaying data pertaining

to an artifact which comprises the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations (col 8, lines 41-47) and displaying each of the plurality of symbols on the map at its associated geographic location in response to said request for information (Fig. 2). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown to include the associating each of a plurality of symbols with each of the plurality of geographic locations based upon the attribute of said each of the plurality of geographic locations taught by Manson with the motivation being to enable the users to read the search result easily and efficiently.

Regarding claims 3, 20, 26, and 31, Brown teaches the values are price values (Fig. 13).

Regarding claims 4, 17, 21, and 34, Brown and Manson do not teach that the values are rental values or street addresses. However, the Examiner takes Official Notice that using rental values or street addresses as queries is well known in real estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include the well known searching on rental values or street addresses with the motivation being enable the user to search for the user to search on different categories.

Regarding claims 5 and 22, Brown teaches the displaying a list of a plurality of geographic area (Fig. 14).

Regarding claims 6, 7, and 23, Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 13, Mason teaches displaying a legend indicating the values associated with each of the plurality of symbols (Fig. 17).

Regarding claim 14, Brown teaches displaying an advertisement (Fig. 14).

Regarding claim 15, Brown teaches receiving a request for additional information for a selected one of the plurality of geographic locations (block 216) and displaying the additional information (Fig. 15)

Regarding claim 16, Brown teaches that the additional information includes an address for the selected one of the plurality of geographic locations (Fig. 15).

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and DeLorme et al ("DeLorme", USP 5559707).

Regarding claim 18, Brown and Manson do not teach that the values are street addresses. However, the Examiner takes Official Notice that using street addresses as queries is well known in real estate search. It would have been obvious to one of ordinary skill in the art, having the teaching of Brown and Manson before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include the well known searching on street addresses with the motivation being enable the user to search on different categories.

Brown and Manson do not teach that the associating each of the plurality of values with a latitude and longitude. However, such feature is known in the art as taught by DeLorme. DeLorme teaches a computer aided routing system which comprises the

associating a value with a latitude and longitude (col 42, lines 30-33). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and DeLorme before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include the associating value with a latitude and longitude with the motivation being inform users the latitude and longitude of the object.

9. Claim 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Manson, and Tachibana et al ("Tachibana", USP 6219053).

Regarding claim 8, Brown and Manson do not teach associating each of the plurality of symbols with different ranges of values. However, such feature is known in the art as taught by Tachibana. Tachibana teaches associating different symbols (square, triangle, circle) with different ranges (first hierarchical level, second hierarchical level...) (see Fig. 22, col. 17, lines 62-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to modify the interface method taught by Brown and Manson to include associating different symbols with different ranges with the motivation being enable the user to the user to easily and quickly acknowledge the ranges by looking at the symbols.

Regarding claim 9, Tachibana teaches each symbol has an associated color and shape (col 17, lines 62-67). Manson teaches that the plurality of symbols each include a different shape or a different color (Fig. 4).

Regarding claim 10, Brown, Manson, and Tachibana do not teach a magnitude of the ranges varies among the plurality of symbols. However, it would have been obvious

to one of ordinary skill in the art, having the teaching of Brown, Manson, and Tachibana before him at the time the invention was made, to have magnitude of the plurality of subranges varies among the symbols with the motivation being to enable the user to easily and quickly acknowledge the dimension of the subranges by looking at the symbols.

Allowable Subject Matter

10. Claims 11-12, 24, 27, 32-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

The Examiner has carefully considered the claims 11, 24, 27, and 32. The "system" and "method" for "displaying on a computer information regarding values associated with a plurality of geographic locations" as claimed was not taught or suggested by the prior art. Searching and displaying retrieved data regarding geographic location is well known in the art as taught by Brown and Vanderpool et al (USP 5781773). Using a hierarchical structure of icons to present data is also well known in the art as taught by Tachibana et al (USP 6219053). However, none of three references, alone or used in combination, teaches the feature of "each of a plurality of colors is associated with one of a plurality of ranges of the values, each of a plurality of shapes is associated with one of a plurality of subranges within each of the plurality of ranges of the values, and each symbol includes one of the plurality of colors and one of the plurality of shapes, wherein a magnitude of the plurality of subranges varies among

the symbols" in a specific combination as recited in claim 11 or "each of a plurality of colors is associated with one of a plurality of ranges of the values, each of a plurality of shapes is associated with one of a plurality of subranges within each of the plurality of ranges of the values, and each symbol includes one of the plurality of colors and one of the plurality of shapes, each of the plurality of symbols associated with the plurality of locations based upon the associated colors, shapes, and values" in a specific combination as recited in claims 24 and 27 or "each of a plurality of colors is associated with one of a plurality of ranges of the values, each of a plurality of shapes is associated with one of a plurality of subranges within each of the plurality of ranges of the values, and each symbol includes one of the plurality of colors and one of the plurality of shapes" in a specific combination as recited in claims 32. These limitations define patentably over relevant prior art made of record.

12. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach real estate search which relates to the claim invention.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

06/18/04